IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FIFTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 21511 of 2004

Between:

V.Sathaiah Chary S/o.Brahmaiah
R/o.Ksheerasagar Village,

Mulugu Mandal, Medak District.

..... PETITIONER

AND

1. Government of Andhra Pradesh,

   Panchayat Raj Department
   Secretariat, Hyderabad
   rep. by its Secretary.
2. The District Collector (PT Wing),

   Medak District at Sanga Reddy.
3. The District Panchayat Officer,

   Medak District at Sanga Reddy.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ of mandamus or any other appropriate writ or direction declaring the action of the 1st respondent in not passing any orders on the stay application filed along with the appeal on 16.11.2004 as illegal arbitrary and consequently direct the 1st respondent to suspend the order of the 2nd respondent passed in proceedings No.978/2004/A2/Pts dt.20.10.2004 pending disposal of the appeal before the 1st respondent and pass.

Counsel for the Petitioner:MR.O.MANOHER REDDY

Counsel for the Respondent No.: GP FOR PANCHAYAT RAJ & RURAL DEV.

The Court at the admission stage, made the following :

HONOURABLE SRI JUSTICE K.C.BHANU

WRIT PETITION No. 21511 Of 2004

ORDER:

The present writ petition is filed to declare the action of the 1st respondent in not passing any orders on the stay application, dated 16-11-2004 filed along with the appeal, as illegal and arbitrary.

2. Heard the learned counsel for the petitioner, the learned Government Pleader for Panchayat Raj and Rural Development and also Sri B.Mahendra Reddy, learned counsel for the Caveator who is Upa-Sarpanch.

3. As seen from the record and on considering the submissions made by the learned counsel for both the parties, it is clear that the appeal filed by the petitioner, is stated to be pending before the 1st respondent who is the statutory authority to consider the case of the petitioner, by taking into consideration all the grounds that were raised by the petitioner in this case.

4. Therefore, I deem it appropriate that without entering into the merits of the case, a direction can be given to the 1st respondent to dispose of the appeal itself instead of directing him to pass an order in the stay petition.

5. In the circumstances, the writ petition is disposed of with a direction to the 1st respondent to pass an appropriate order and dispose of the appeal itself, within a period of six weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

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November 25, 2004

Issue C.C. by 26-11-2004

B/o.

Kvr

To

1. The Secretary, Government of Andhra Pradesh,

   Panchayat Raj Department
   Secretariat, Hyderabad

2 The District Collector (PT Wing),

   Medak District at Sanga Reddy.

3 The District Panchayat Officer,

   Medak District at Sanga Reddy.

4. Two C.Cs to the GP for Panchayat Raj

   And Rural Development,

High Court of AP Buildings,

High court of AP, Hyderabad. (O.U.T.)

5 Two C.Ds.